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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,155	08/10/2001	Koichiro Yamaguchi	NAK1-BP71	5654
21611	7590	07/18/2006	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			LUU, SY D	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,155

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Sy D. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/28/05 and prior.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, and 4-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sequeira (US 6,222,530 B1).

As per claim 1, Sequeira teaches a content editing apparatus that edits digital broadcast content that is composed of a plurality of data carousels for realizing pseudo-interaction, the content editing apparatus comprising:

reception means for receiving, from an operator, transmission start times and transmission end times of modules forming each data carousel (col. 14, lines 4-32); and data carousel definition means for (a) sorting the received transmission start times and the transmission end times into a time order, (b) defining a carousel time period of each of the plurality of data carousels separated by the sorted transmission start times and the transmission end times, and (c) selecting modules to be transmitted during the carousel time period (col. 15, lines 57 et seq.; col. 21, lines 50-55).

As per claim 2, Sequeira teaches the reception means to include: a time axis display unit for displaying a time axis with time divisions (fig. 8; timeline); a module specification unit for specifying a module, using identification information that is composed of a module ID and a

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version (figs 18-22); and a transmission time specification unit for receiving, from the operator, specification of locations on a display displayed by the time axis display unit, so as to specify a transmission start time and a transmission end time of the specified module, the locations each corresponding to a time division on the time axis (e.g. figs. 8 and 23).

As per claims 4-5, Sequeira teaches a module information storage means for storing a list of the transmission start times and the transmission end times of the modules received by the reception means, wherein the data carousel definition means includes:

a time sort unit for sorting the transmission start times and the transmission end times into the time order, a carousel definition unit for defining the carousel time period of each of the plurality of data carousel separated by the sorted transmission start times and the transmission end times, a module selection unit for selecting modules to be transmitted during the carousel time period, and a carousel transmission information storage unit for storing identification information of each module to be transmitted during the carousel time period,

wherein the data carousel definition means further includes a carousel time period display unit for displaying each carousel time period stored by the carousel transmission information storage unit, so as to be in correspondence with the time divisions on the time axis displayed by the time axis display unit (figs 18-22; col. 15, lines 57 et seq.; col. 21, lines 50-55).

As per claim 6, Sequeira teaches a module storage means for storing modules, identification information for identifying each module, and items of each module, and content structure display control means for displaying a structure of the digital broadcast content in a form that can be viewed by the operator, the structure being a hierarchy including a broadcast content, data carousels, identification information for modules forming each data carousel,

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identification information for items of each module, in a stated order (figs. 24-25; col. 17, lines 13 et seq.).

Claims 11-13 are individually similar in scope to claim 1, and are therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 1, and is therefore rejected under similar rationale. Sequeira further discloses the content editing apparatus that edits digital broadcast content being stored at a site on a network (col. 6, lines 31-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sequeira (US 6,222,530 B1) in view of Shore et al. ("Shore", US 5,760,767).

As per claim 3, Sequeira teaches all limitations as applied to claim 2, however, Sequeira does not disclose the reception means to include a bar graph display unit for displaying a bar graph that is parallel to the time axis, and the transmission time specification unit receives an operation of the operator to specify the transmission start time and the transmission end time, the operation being (a) drag-and-drop of a start of the bar graph to the location corresponding to the transmission start time and (b) drag-and drop of an end of the bar graph to the location corresponding to the transmission end time, the start of the bar graph and the end of the bar graph at an initial state respectively corresponding to a broadcast start time and a broadcast end time of the digital broadcast content. Shore teaches a method for editing a bar graph to indicate the location corresponding to start and end time of a digital playback (col. 10, lines 30 et seq.). It would have been obvious to an artisan at the time of the invention to combine Shore's teaching with Sequeira's apparatus in order to provide a more intuitive means for facilitating user's interaction with the content editing process.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SY D. LUU
PRIMARY EXAMINER
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